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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,304	08/22/2006	Takashi Ishida	YAMAPI003US	4895
51921 7590 07/24/2008 MARK D. SARALINO (MEI) RENNER, OTTO, BOISSELLE & SKLAR, LLP 1621 EUCLID AVENUE 19TH FLOOR CLEVELAND, OH 44115				
EXAMINER AGUSTIN, PETER VINCENT				
ART UNIT		PAPER NUMBER		
2627				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/567,304

Applicant(s)

ISHIDA, TAKASHI

Examiner

Peter Agustín

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/02)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

1. This application is a national stage entry (371) of PCT/JP04/16556, filed November 8, 2004.
2. Claims 1-3 are currently pending.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakajima (US 2002/0044509).

In regard to claim 1, Nakajima discloses a recording/reproduction apparatus (Figure 4) for recording/reproducing data onto/from an information recording medium (note the disc in Figure 4), comprising: a section for reading first data from a first predetermined position in a

data recording area of the information recording medium (S53: “2E400 address”); a section for determining whether or not the first data matches first type information indicating a type of a first predetermined file system (S54: “DVD-RW”; paragraph 0032: “RW physical format”); a section for executing a recording process or a reproduction process using the first predetermined file system when it is determined that the first data matches the first type information (S60: “file system read”); a section for reading second data from a second predetermined position of the data recording area when it is determined that the first data does not match the first type information (S52: “2F200 address”); a section for determining whether or not the second data matches second type information indicating a type of a second predetermined file system which is different from that of the first predetermined file system (S59: “DVD R”); and a section for executing a recording process or a reproduction process using the second predetermined file system when it is determined that the second data matches the second type information (S60: “file system read”).

Claims 2 & 3 have similar limitations as claim 1; thus, they are rejected on the same grounds.

7. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Sako et al. (WO01/80239, published October 25, 2001) (please refer to equivalent U.S. Patent 7,027,366).

In regard to claim 1, Sako et al. disclose a recording/reproduction apparatus (Figure 3) for recording/reproducing data onto/from an information recording medium (29), comprising: a section for reading first data (Figure 6, step S28: “recording format?”) from a first predetermined position (S29: “consecutive format recording area”) in a data recording area of the information recording medium; a section for determining whether or not the first data matches first type

information (S29: “consecutive format”) indicating a type of a first predetermined file system (when the answer to S28 is “consecutive”); a section for executing a recording process or a reproduction process using the first predetermined file system when it is determined that the first data matches the first type information (S29: “record to consecutive format recording area”); a section for reading second data (Figure 6, step S28: “recording format?”) from a second predetermined position (S32: “file format recording area”) of the data recording area when it is determined that the first data does not match the first type information (when the answer to S28 is “file”); a section for determining whether or not the second data matches second type information (S32: “file format”) indicating a type of a second predetermined file system (when the answer to S28 is “file”) which is different from that of the first predetermined file system; and a section for executing a recording process or a reproduction process using the second predetermined file system when it is determined that the second data matches the second type information (S32: “record to file format recording area”).

Claims 2 & 3 have similar limitations as claim 1; thus, they are rejected on the same grounds.

8. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Weng (US 6,778,479).

In regard to claim 1, Weng discloses a recording/reproduction apparatus (Figure 3) for recording/reproducing data onto/from an information recording medium (“disk”), comprising: a section for reading first data (abstract, line 4: “first data set”) from a first predetermined position (abstract, line 3: “first area”) in a data recording area of the information recording medium; a section for determining whether or not the first data matches first type information indicating a

type of a first predetermined file system (abstract, line 6: “first data format”); a section (Figure 3: “read/write head”) for executing a recording process or a reproduction process using the first predetermined file system when it is determined that the first data matches the first type information; a section for reading second data (abstract, line 9: “second data set”) from a second predetermined position (abstract, line 9: “second area”) of the data recording area when it is determined that the first data does not match the first type information (abstract, lines 10-11: “if the first data set does not conform to the first data format”); a section for determining whether or not the second data matches second type information indicating a type of a second predetermined file system (abstract, lines 10-11: “if the first data set does not conform to the first data format”) which is different from that of the first predetermined file system; and a section (Figure 3: “read/write head”) for executing a recording process or a reproduction process using the second predetermined file system when it is determined that the second data matches the second type information.

Claims 2 & 3 have similar limitations as claim 1; thus, they are rejected on the same grounds.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nakamura et al. (US 4,893,193) disclose a disc having a first recording region for storing a first type of data signal, and a second recording region succeeding said first recording region for storing a second type of data signal.

Muramatsu et al. (US 5,592,463) disclose means for recording audio information according to format of Compact Disc in a first recording area and recording audio and video information according to recording format of Laser Disc in a second area.

Tol et al. (US 7,065,021) disclose an invention for allowing compatibility between different file systems (JAFS, UDF) by storing data structures in a first administrative area as belonging to the first file system (JAFS) and a second administrative area belonging to the second file system (UDF).

Ohmori (US 5,687,397) discloses a recording medium having a user recordable area in which two types of information may be recorded, such as audio data and user data, and a control area having a first area for management information regarding the first type of information and a second area for management information regarding the second type of information.

Sako et al. (US 2003/0147323) disclose an optical disc playback method is provided which includes steps of reading identification data recorded in an optical disc loaded in an optical disc player and starting reading data from a second recording area of the optical disc loaded in the optical disc player when it is determined that the loaded optical disc is a one having at least a first recording area and second recording area.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Agustin whose telephone number is (571) 272-7567. The examiner can normally be reached on Monday-Thursday 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter Vincent Agustin/
Patent Examiner, Art Unit 2627